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DONALD J. TRUMP,
PRESIDENT OF THE UNITED STATES, *et al.*,
Petitioners,
v.
INTERNATIONAL REFUGEE ASSISTANCE PROJECT, *et al.*,
Respondents.

DONALD J. TRUMP,
PRESIDENT OF THE UNITED STATES, *et al.*,
Petitioners,
v.
STATE OF HAWAII, *et al.*,
Respondents.

On Writs of Certiorari to the United States Courts of Appeals for the Fourth and Ninth Circuits

BRIEF OF *AMICUS CURIAE* AMERICAN COUNCIL ON EDUCATION AND 29 OTHER HIGHER EDUCATION ASSOCIATIONS IN SUPPORT OF RESPONDENTS

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AMICI ON THIS BRIEF

American Council on Education, Association of American Universities, Accreditation Council for Pharmacy Education, ACT, American Association of Collegiate Registrars and Admissions Officers, American Association of Community Colleges, American Association of State Colleges and Universities, American Association of University Professors, American College Personnel Association, American Indian Higher Education Consortium, American Speech-Language-Hearing Association, Association of American Colleges and Universities, Association of American Law Schools, Association of Catholic Colleges and Universities, Association of Governing Boards of Universities and Colleges, Association of Jesuit Colleges and Universities, Association of Public and Land-grant Universities, Association of Research Libraries, College and University Professional Association for Human Resources, Council for Advancement and Support of Education, Council of Graduate Schools, Council of Independent Colleges, Educational Testing Service, EDUCAUSE, Graduate Management Admissions Council, Law School Admissions Council, NAFSA: Association for International Educators, National Association for College Admission Counseling, National Association of Diversity Officers in Higher Education, National Association of Independent Colleges and Universities

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INTERESTS OF *AMICI*[1]

Amici are 30 associations of colleges, universities, educators, trustees, and other representatives of several thousand institutions of higher education in the United States. *Amici* represent public, independent, large, small, urban, rural, denominational, non-denominational, graduate, and undergraduate institutions and faculty. These institutions educate, employ, and invite onto their campuses over a million individuals from other countries each year. All *amici* share a strong interest in ensuring that people from around the world, including the six countries identified in the challenged Executive Order, are not barred or deterred from entering the United States and contributing to American colleges and universities.

Amicus American Council on Education ("ACE") is the major coordinating body for American higher education. Its approximately 1,800 institutional and association members reflect the extraordinary breadth and contributions of degree-granting colleges and universities in the United States. Believing that a strong higher education system is the cornerstone of a democratic society, ACE participates as *amicus curiae* on occasions such as this where a case presents issues of substantial importance to higher education in the United States.

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[1] Pursuant to Supreme Court Rule 37.6, counsel for *amici curiae* state that no counsel for a party authored this brief in whole or in part, and no party or counsel for a party, or any other person other than *amici curiae* or their counsel, made a monetary contribution intended to fund the preparation or submission of this brief. All parties have consented to the filing of this brief.

The Addendum contains information on the other *amici* on this brief.

SUMMARY OF ARGUMENT

American colleges and universities are part of a worldwide network of learning, research, and education. Together, *amici*'s members enroll millions of students from all over the United States and the world in undergraduate, graduate, and professional degree programs. *Amici*'s members also employ faculty and researchers from around the globe. These international scholars routinely publish pioneering peer-reviewed work in virtually all fields of knowledge. Many have gone on to invent groundbreaking technology, start thriving businesses, and assume leadership roles in governments and other organizations, both in this country and abroad. As ACE's President has written, the "roughly one million international students that attend U.S. colleges and universities add to this country's intellectual and cultural vibrancy, and they also yield an estimated economic impact of $32.8 billion and support 400,000 U.S. jobs, according to recent estimates. International students and scholars have served America well throughout our history."[2]

The March 6, 2017 Executive Order ("EO"), entitled "Protecting the Nation from Foreign Terrorist Entry into the United States," puts those benefits at risk. The EO sends a clarion message of exclusion to millions around the globe that America's doors are no longer open to foreign students, scholars, lecturers, and researchers. It directly threatens *amici*'s ability to attract the international students and scholars

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[2] Letter from ACE members to John F. Kelly, Secretary of Homeland Security (Jan. 31, 2017), http://www.acenet.edu/news-room/Documents/ACE-Letter-to-DHS-John-Kelly-International-Students-Scholars.pdf.

who are essential to the success of American educational institutions. Foreign students, faculty and researchers come to this country because our institutions are rightly perceived as the destinations of choice compared to all others around the globe. The EO has fundamentally altered those positive perceptions with the stroke of a pen.

Regrettably, those changed perceptions quickly gave rise to new realities, as the EO immediately caused a range of adverse consequences for American institutions of higher education. From the moment it was signed, prospective students expressed serious concerns about attending American colleges and universities. Faculty recruits were similarly deterred from accepting teaching and research positions. And scholars based abroad pulled out of academic conferences in the United States, either because they were directly affected by the EO or because they are concerned about the EO's harmful impact on academic discourse and research worldwide.

It is essential that the United States maintain its deep commitment to ensuring the free flow of ideas and people that is critical to progress in a democratic society. The inquiry, innovation, and invention that take place every day within *amici*'s classrooms, libraries, and laboratories depend on the ability of scholars and students to travel to and from the United States. The EO, however, severely undermines the ability of American colleges and universities to fulfill their commitment to serving their students, their communities, the United States, and the world through innovative teaching and research. That commitment relies on maintaining a consistent pipeline of the most talented international students and scholars, who bring with them unique

skills and perspectives that inure to the benefit of their classmates, colleagues, and the communities, small and large, served by *amici*'s member institutions. And for those students and scholars who do not remain, after receiving first-class education, training and experience in the United States, they take back to their countries the lessons and values they learned here, to the benefit of the entire international community.

Make no mistake, *amici* and their members are firmly committed to the security of their members' campuses and of the United States. Each member college and university places the highest priority on the safety of its students and scholars, and recognizes that security is essential to maintaining a productive learning environment. As one *amicus* has emphasized, our colleges and universities recognize "the importance of a strong visa process to our nation's security. . . . That is why we have worked closely with previous administrations, especially in the wake of 9/11, to ensure our visa system prevents entry by those who wish to harm us, while maintaining the inflow of talent that has contributed so much to our nation."[3]

But at the same time, the EO jeopardizes the vital contributions made by foreign students, scholars, and faculty by telling the world in the starkest terms that American colleges and universities are no longer receptive to them. *Amici* therefore submit this brief to provide information to this Court about the serious

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[3] Press Release, Association of American Universities, AAU Urges Quick End to Administration Order Barring Returning Students and Faculty (Statement by AAU President Mary Sue Coleman) (Jan. 28, 2017), http://www.aau.edu/news/article.aspx?id=18366.

negative effects that the EO will have on American institutions of higher education. Like this Court, *amici* appreciate that "[i]mmigration policy shapes the destiny of the Nation . . . . The history of the United States is in part made of the stories, talents, and lasting contributions of those who crossed oceans and deserts to come here." *Arizona v. United States*, 567 U.S. 387, 415–16 (2012). *Amici*'s member universities know this better than most, as they witness the indelible positive contributions that international students and faculty add to their academic communities every day. In the end, American colleges and universities wish to make clear to this Court that the EO's unwelcoming message will impair the cross-border exchange of people and ideas that is critical to their success—and their ability to contribute to the success of the country as a whole.

ARGUMENT

I. Immigration Policy that Sends a Message of Exclusion Profoundly Harms American Colleges and Universities.

Colleges and universities in the United States regularly sit atop the rankings of the world's finest institutions of higher education.[4] This success is no accident. It is the result of many factors, one of which is the historic openness of our campuses to students, scholars, and researchers from all corners of the globe. As explained below, this openness has resulted in a variety of tangible and intangible benefits—from sizeable economic gains for our local

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[4] *See* Times Higher Education, *World University Rankings 2016-2017*, https://www.timeshighereducation.com/world-university-rankings/2017/world-ranking# (last visited Sept. 13, 2017).

communities to immeasurably important scientific breakthroughs to greater cultural understanding. The EO puts these many benefits at risk because it sends a stark message to the world that America is no longer the welcoming place it has been for the brightest foreign minds.

A. Colleges and Universities, and Their Communities, Rely on the Cross-Border Exchange of People and Ideas.

The consistent success of American institutions arises, in no small part, from their ability to attract the very best students and faculty from the United States and from other countries. By enticing the sharpest minds to work together on the world's most challenging problems, American institutions are ideally equipped to improve the human condition through medical advances, scientific breakthroughs, new political and economic insights, innovative technologies, and the rich learning experiences that an internationally diverse group of students and teachers helps cultivate.

There are more than one million international students attending American colleges and universities.[5] Consider the following examples from the South, North, East, and West: Rice University hosts 1,611 international students and 883 international scholars.[6] Valencia College's

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[5] Allan E. Goodman, *Coming to America*, Inst. of Int'l Educ, https://www.iie.org/Learn/Blog/2017-July-31-Letter-from-Allan-Goodman (last visited Sept. 13, 2017).

[6] Rice Univ. Office of Int'l Students & Scholars, *International Students and Scholars at Rice*, Statistical Report, Executive Summary (2016), https://oiss.

international student population was 1,340 last year.[7] In the fall of 2015, there were 7,737 international students attending Northern Virginia Community College.[8] The University of Bridgeport's 5,000 students include approximately 1,200 international students from over 80 countries.[9] Rutgers University enrolls about 8,500 international students from 125 countries and employs more than 1,200 international scholars from more than 80 countries.[10] More than 5,800 international students can be found on University of Maryland, College Park's campus, along with more than 1,300 international scholars.[11] The University of Colorado Boulder is home to over 3,000 international students from over 91 countries and 796 international scholars

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rice.edu/uploadedFiles/About_OISS/StatReport2016-Final.Public.pdf (last visited Sept. 13, 2017).

[7] Valencia College, *Student Characteristics*, http://valencia college.edu/academic-affairs/institutional-effectiveness-planning/institutional-research/Reporting/Strategic-Indicators/StudentCharacteristics.cfm (last visited Sept. 13, 2017).

[8] Northern Virginia Community College, *International Students*, http://www.nvcc.edu/about/glance/index.html (last visited Sept. 13, 2017).

[9] University of Bridgeport, *Frequently Asked Questions*, http://www.bridgeport.edu/admissions/international/frequently-asked-questions/#A4 (last visited Sept. 13, 2017).

[10] Rutgers University, *Facts & Figures*, https://global.rutgers.edu/about-gaia/facts-figures (last visited Sept. 13, 2017).

[11] Inst. of Int'l Educ., *Open Doors Data, Leading Institutions Hosting International Scholars, 2015/16*, http://www.iie.org/Research-and-Insights/Open-Doors/Data/International-Scholars/Institutions-Hosting-the-Most-Scholars/2015-16 (last visited Sept. 13, 2017) (hereafter *Open Doors Data, Leading Institutions Hosting International Scholars*).

from 58 countries.[12] At the University of California, Los Angeles, 11,513 international students are enrolled in degree programs, and 3,512 international scholars are engaged in teaching and research.[13]

Maintaining international diversity on our campuses is critically important to the success of American colleges and universities. Regular interactions with students and professors who come from different cultures and who have had vastly different life experiences promote both a richer understanding and a deeper appreciation of the world in which we live. Scholars hailing from different countries have confronted different social and political conditions and so can identify different problems to solve—and can see different solutions to offer. Equally important, international diversity challenges all of the members of an academic community to consider and evaluate their assumptions, beliefs, and biases.

This Court has recognized the importance of such diversity, holding that universities have a compelling interest in securing the "'educational benefits that flow from student body diversity.'" *Fisher v. Univ. of*

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[12] University of Colorado Boulder, *International Admissions*, http://www.colorado.edu/international/ (last visited Sept. 13, 2017); University of Colorado Boulder, *International Scholar Statistics: July 1, 2015-June 30, 2016*, http://www.colorado.edu/isss/sites/default/files/attached-files/international_scholar_statistics_-_charts_2015-2016_0.pdf (last visited Sept. 13, 2017).

[13] Inst. of Int'l Educ., *Top 25 Institutions Hosting International Students, 2014/15 & 2015/16*, https://www.iie.org/Research-and-Insights/Open-Doors/Data/International-Students/Leading-Institutions/2015-16 (last visited Sept. 13, 2017); Open Doors Data, Leading Institutions Hosting International Scholars, *supra* note 10.

Texas at Austin, 133 S. Ct. 2411, 2419 (2013) (quoting *Grutter v. Bollinger*, 539 U.S. 306, 330 (2003)). Campus diversity helps to create and maintain an "atmosphere which is most conducive to speculation, experiment, and creation." *Id.* at 2418 (internal quotation marks omitted). This Court has emphasized that these benefits of diversity are not theoretical. Global diversity is critical to the success of American students as they graduate and enter the modern borderless marketplace. As this Court has explained, "American businesses have made clear that the skills needed in today's increasingly global marketplace can *only* be developed through exposure to widely diverse people, cultures, ideas, and viewpoints." *Grutter*, 539 U.S. at 308 (emphasis added). Accordingly, in order to "'fulfill[] [their] mission[s],'" universities must be able to recruit students—and, by extension, scholars and faculty—who will "'contribute the most to the robust exchange of ideas.'" *Id.* at 324 (quoting *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 313 (1978)).

For example, Syrian students enrolled at American universities are undoubtedly able to contribute to their peers' understanding of the wide-ranging consequences of the civil war in Syria in a way no textbook or lecture ever could. Similarly, Iranian students offer a unique perspective on the strengths and weaknesses of the recent nuclear agreement and other aspects of United States foreign policy that students could not absorb by simply reading op-eds in domestic newspapers.

Without question, the presence of international scholars and students enriches the experiences of all members of a university community and better prepares students to succeed in and contribute to the

global marketplace. Indeed, American colleges and universities would find it extraordinarily difficult to realize the ideals described in their respective missions if students and scholars from countries around the globe could not predictably enter and exit the United States.

The ability of American colleges and universities to attract these gifted, accomplished, and motivated students and scholars depends on ensuring predictable travel to and from the United States. If our universities cannot assure their students, professors, and researchers that they can come to the United States and then leave the country to visit their families, attend international symposia or conferences, or engage in overseas field research without encountering undue impediments to their return, then these institutions will struggle to maintain the level of talent and experience that makes the United States the world leader in higher education and research and development.

B. International Students and Scholars Bolster the American Economy and Strengthen Our Democracy.

The United States reaps tremendous profits—tangible and intangible—from its colleges' and universities' commitment to welcoming academics, researchers, and innovators from around the world. As a matter of pure economics, the enrollment of international students and scholars produces considerable returns for this country. A recent study by one *amicus*, "NAFSA: Association of International Educators" (NAFSA), determined that the more than 1 million international students studying at American colleges and universities contributed $32.8 billion to the U.S. economy during the 2015–2016

school year.[14] The same study estimated that, in a single school year, international students created or supported more than 400,000 American jobs.

To take just one state as an example, NAFSA calculated that the 11,346 international students who studied in Colorado during the 2015-2016 school year contributed $378.3 million to that state's economy and supported more than 5,000 jobs.[15] Another study credits the steady stream of international students into the United States for increases in "transnational business creation" and "trade and direct investment between the United States" and those students' countries of origin.[16]

The U.S. economy has been further fueled by foreign-born innovators who came to this country and chose to stay for extended periods of time, but the message of exclusion embodied in the EO unjustifiably raises the risk that these innovators do

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[14] NAFSA, *NAFSA International Student Economic Value Tool*, http://www.nafsa.org/Policy_and_Advocacy/Policy_Resources/Policy_Trends_and_Data/NAFSA_International_Student_Economic_Value_Tool/ (last visited Sept. 13, 2017); *see also* Press Release, U.S. Dep't of State, Inst. of Int'l Educ., IIE Releases Open Doors 2016 Data (Nov. 14, 2016), https://www.iie.org/Why-IIE/Announcements/2016-11-14-Open-Doors-Data (citing a U.S. Department of Commerce study that estimates the financial contribution to be more like $36 billion).

[15] NAFSA, *Colorado Benefits from International Students*, https://istart.iu.edu/nafsa/reports/state.cfm?state=CO&year=2015 (last visited Sept. 13, 2017).

[16] Neil G. Ruiz, *The Geography of Foreign Students in U.S. Higher Education: Origins and Destinations* 2, Brookings Inst. (2014), https://www.brookings.edu/wp-content/uploads/2014/08/Foreign_Students_Final.pdf.

neither.[17] Between 1995 and 2005, foreign-born innovators "founded" "more than 25 percent of the engineering and technology companies . . . nationwide."[18] Those companies, in turn, "produced $52 billion in sales and employed 450,000 workers."[19] In the same vein, according to one study by the National Foundation for American Policy (NFAP), "[i]mmigrants have started more than half (44 of 87) of America's startup companies valued at $1 billion or more and are key members of management or product development teams in over 70 percent (62 of 87) of these companies."[20] The creation of new companies generates obvious economic benefits for the United States, including considerable job growth. Each $1 billion startup in the NFAP study has "created an average of approximately 760 jobs . . . in the United States."[21]

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[17] *See, e.g.*, Adams Nager, et al., *The Demographics of Innovation in the United States* 5, Info. Tech. & Innovation Found. (2016), http://www2.itif.org/2016-demographics-of-innovation.pdf?_ga=1.256641800.2049822595.1486928220 (suggesting that more than one third of U.S. innovators were born outside of the country, and another 10 percent have at least one parent who was born abroad).

[18] Michael Greenstone, Adam Looney & Harrison Marks, *The U.S. Immigration System: Potential Benefits of Reform* 4-5, The Hamilton Project (2012), http://www.hamiltonproject.org/assets/legacy/files/downloads_and_links/05_immigration_greenstone_looney.pdf (hereafter Greenstone).

[19] *Id.* at 5.

[20] Stuart Anderson, *Immigrants and Billion Dollar Startups* 1, Nat'l Found. for Am. Policy (2016), http://nfap.com/wp-content/uploads/2016/03/Immigrants-and-Billion-Dollar-Startups.NFAP-Policy-Brief.March-2016.pdf.

[21] *Id.*

Foreign-born students who study at American educational institutions and then begin working in science, technology, engineering, and mathematics ("STEM") fields have made particularly significant contributions to the U.S. economy. In 2013, international students accounted for nearly two-fifths (39 percent) of Ph.D. candidates in STEM subjects, and a recent study estimates that the percentage will climb above 50 percent by 2020.[22] When these students graduate, approximately 48 percent hope to stay in the United States to work.[23] Even with this steady influx of international talent, the pipeline of STEM students in this country is not expected to be wide enough to keep up with the rapidly expanding number of STEM jobs available.[24]

The recruitment of additional STEM students translates into far larger benefits for the country at large. An increase in the number of STEM workers in a metropolitan area is "strongly associated with higher patents per workers (an indicator of innovation), lower unemployment, a lower rate of job losses during . . . recession[s] . . . , higher exports as a share of gross domestic product (GDP) (a measure of

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[22] Xueying Han & Richard P. Appelbaum, *Will They Stay or Will They Go?: International STEM Students Are Up for Grabs*, Ewing Marion Kauffman Found. (2016), http://www.kauffman.org/~/media/kauffman_org/research%20reports%20and%20covers/2016/stem_students_final.pdf (hereafter Han & Appelbaum). If that growth is impeded, the U.S. will lose talent to other nations.

[23] *Id.* at 19.

[24] Lylah Alphonse, *New STEM Index Find's America's STEM Talent Pool Still Too Shallow To Meet Demand*, U.S. News & World Report (Apr. 23, 2014), http://www.usnews.com/news/stem-index/articles/2014/04/23/new-stem-index-finds-americas-stem-talent-pool-still-too-shallow-to-meet-demand.

international competitiveness), and higher incomes."[25] The same goes for median household incomes and average wages, both of which tend to be higher "in STEM-oriented economies."[26] Consistent with these general trends, one study estimates that "patent activity by high-skilled immigrants in the 1990s increased U.S. GDP per capita" by between 1.4 and 2.4 percent—or $481 to $825 per person.[27]

The United States can ill afford to lose these STEM students and faculty to other countries. Even the perception that the United States is an unreliable place to pursue education has a dire impact. In a recent interview with an American newspaper, one of the aforementioned Nobel laureates "credited American openness with bringing top scientists to the country."[28] The American scientific community will remain strong only, he said, "as long as we don't . . . turn our back on immigration."[29]

Right now, there is a "global bidding war" for talented international students, particularly in the STEM fields.[30] Foreign countries give substantial

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[25] Jonathan Rothwell, *The Hidden STEM Economy* 15, Brookings Inst. (2013), www.brookings.edu/wp-content/uploads/2016/06/TheHiddenSTEMEconomy610.pdf" https://www.brookings.edu/wp-content/uploads/2016/06/TheHiddenSTEMEconomy610.pdf.

[26] *Id.* at 16.

[27] Greenstone, *supra* note 17, at 5.

[28] Rafael Bernal, *Amid Debate, All 2016 American Nobel Laureates Are Immigrants*, The Hill (Oct. 10, 2016), http://thehill.com/latino/300237-all-american-2016-nobel-prize-honorees-are-immigrants.

[29] *Id.* (internal quotation marks omitted).

[30] Kevin Sullivan, *Other Countries Court Skilled Immigrants Frustrated by U.S. Visa Laws*, Wash. Post (Feb. 18, 2013),

cash bonuses and other benefits to international scholars to entice them to leave the United States.[31] When the United States immigration policy manifests a message of exclusion—not to mention an actually exclusionary effect, as here—fewer students and scholars choose to attend our universities. They instead go to other countries where they are welcomed with open arms. After 9/11, for example, when the United States also placed restrictions on student visas, our institutions of higher learning saw significant drop-offs in their international populations.[32]

Finally, the education of foreign-born students and the collaboration between American students and foreign-born scholars present the United States with an opportunity to promote the ideals that, together, make up the social, political, and cultural fabric of this country. International students and scholars who come to the United States to engage in various activities on our academic campuses are exposed to our democratic principles and our norms of tolerance and respect. They witness American society's steadfast commitment to human rights, our emphasis on education, and our dedication to the rule of law.

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https://www.washingtonpost.com/national/other-countries-court-skilled-immigrants-frustrated-by-us-visa-laws/2013/02/18/73d9f7ce-7137-11e2-ac36-3d8d9dcaa2e2_story.html?utm_term=.68283185f1f1

[31] *Id.*

[32] NAFSA, *Restoring U.S. Competitiveness For International Students and Scholars* (2006), http://www.nafsa.org/uploadedFiles/NAFSA_Home/Resource_Library_Assets/Public_Policy/restoring_u.s.pdfhttp://www.nafsa.org/uploadedFiles/NAFSA_Home/Resource_Library_Assets/Public_Policy/restoring_u.s.pdf (last visited Sept. 13, 2017).

These values, in turn, are transmitted around the world, to the benefit of the United States, when these individuals depart this country. Juan Manuel Santos, the president of Colombia and the 2016 Nobel Peace Prize winner, holds degrees from the University of Kansas (bachelor's degree in economics and business administration) and Harvard University (master's degree in public administration). The University of Michigan counts the former prime ministers of Antigua, Egypt, Italy, and Peru among its alumni. In the last Indonesian administration alone, the Cabinet included three officials who attended American universities—the defense minister (University of California-Berkeley), the finance minister (University of Pennsylvania), and the trade minister (University of California-Davis)—plus two officials who attended other American universities.[33] Other colleges and universities could boast a comparable list of auspicious foreign government officials. These world leaders, along with countless other individuals, have come to the United States, engaged in the vigorous exchange of ideas for which this country is known, and then returned to their countries steeped in American democratic principles and culture.[34] They embody the

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[33] The justice minister attended American University, and the energy minister attended the University of Colorado School of Mines. Ben Wolfgang, *Armed with U.S. Education, Many Leaders Take On World*, Wash. Times (Aug. 19, 2012), http://www.washingtontimes.com/news/2012/aug/19/armed-with-us-education-many-leaders-take-on-world/.

[34] The importance of a free-flowing exchange of students, scholars, and ideas is reflected in longstanding federal law and policy. In 1961, the government established a special non-immigrant visa program to encourage young leaders, entrepreneurs, research scholars, and professors to come to the

achievements that occur when international students and scholars engage with American educational institutions.

II. The Executive Order Adversely Affects Academic Exchange with International Students and Scholars.

Upholding the legality of the EO would have serious implications for *amici*'s students, scholars, and faculty. It would impair the ability of American educational institutions to draw the finest international talent and reap the attendant benefits. It would divide students and scholars who were able to enter the U.S. from their families who could not. And it would inhibit the open academic exchange that is so vital to modern higher education and our national interests.

According to the Institute of International Education,[35] in 2015–2016, approximately 15,400 students and 2,100 professors or researchers in the United States came from one of the six countries specified in the EO:

United States and engage in "educational and cultural exchange[]." U.S. Dep't of State, J-1 Visa Exchange Visitor Program, *Common Questions*, https://j1visa.state.gov/basics/common-questions/ (last visited Sept. 13, 2017). This program, called the J-1 Visa Program, expressly instructs visitors who have completed the program to "return to their home country . . . to share their exchange experiences." *Id.*

[35] Elizabeth Redden, *A Closing of America*, Inside Higher Ed (Jan. 26, 2017), https://www.insidehighered.com/news/2017/01/26/draft-executive-order-would-call-banning-entry-individuals-some-countries.

	Number of Students	Number of Scholars	Total Students
Iran	12,269	1,891	14,160
Libya	1,514	49	1,563
Somalia	35	0	35
Sudan	253	32	285
Syria	783	145	928
Yemen	599	19	618
Total	15,453	2,136	17,589

Amici's members also host and employ many nationals of the six specified countries, including:

- An activist and journalist who helped galvanize Yemeni support for the Arab Spring and has been appointed a visiting lecturer on public policy;
- A Syrian trauma surgeon who was instrumental in coordinating NGO support for medical care to casualties of the civil war and is now assessing the relative availability and quality of trauma care at Syrian hospitals;
- An Iranian professor who previously worked at a leading European architectural firm, taught throughout Europe, and received numerous awards and appointments for her contributions to the field;
- A Sudanese medical professor (and practicing physician at a local hospital) who has received awards and public acclaim for her work on female genital cutting;
- A Syrian professor and recipient of a MacArthur "Genius" grant who has, among other things, founded a company that develops

systems to monitor vital signs to detect the onset of illness in the elderly;

- An Iranian medical professor who has developed novel methods for studying the long-term risks of myocardial infarction and stroke following blood infection;
- A Syrian neuroscientist who researches the neurobiology of pain, anxiety, depression, and substance abuse; is co-director of a respected institute on molecular and behavioral neuroscience; and has been elected to the National Academy of Science; and
- An Iranian mathematician who was the first woman to win the Fields Prize, the most prestigious prize in mathematics.

Talented students and scholars like these have felt the EO's serious effects.

A. International Students and Scholars Have Been Directly Affected by the EO.

After the initial EO went into effect, hundreds of students and scholars at American colleges and universities were either locked out of or locked into the United States. Many members of our academic communities who were outside of the United States at the time the EO was signed were barred from returning to the United States to continue their studies and work. These included undergraduates who were simply trying to return to campus after spending their winter breaks with their families.[36]

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[36] *See, e.g.*, Stephanie Ebbert, *MIT Engineering Student From Iran Not Allowed To Reenter US*, Boston Globe (Jan. 31, 2017), http://www.bostonglobe.com/metro/2017/01/31/mit-engineering-student-from-iran-barred-entry-into/fQBJ7kLIhY7P79Y

They also included graduate students who hoped to continue their advanced study and research at *amici*'s member institutions.[37] And finally, they included students who had been offered admission but not yet started at universities. For example, at least two prospective students from the identified countries had already been admitted to MIT for the fall via early action. One, an 18-year-old from Damascus, was reported on in the media.[38] After dreaming for years of earning an engineering degree from MIT, the student was accepted for the class of 2021. But when the EO was signed, his ability to attend MIT became uncertain. As he explained it: "'My dreams are basically ruined.'"[39]

At the same time, those scholars and students from the six countries covered by the EO who were lucky enough to be in the United States when it was issued could no longer confidently travel outside the United States and expect reentry. Students could not pursue their own research in foreign libraries and laboratories, participate in study-abroad programs, or attend satellite campuses in other countries. Nor could they travel home for personal reasons, whether

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NKVKtTN/story.html; Anya Kamenetz, *Students Stranded Worldwide By Trump Order*, NPR (Jan. 30, 2017), http://www.npr.org/sections/ed/2017/01/30/512431112/students-stranded-worldwide-by-trump-order.

[37] *See* Milton J. Valencia, *Boston-Bound Iranian Scientist with Visa Sues US over Ban*, Boston Globe (Feb. 2, 2017), https://www.bostonglobe.com/metro/2017/02/01/iranian-scientist-with-visa-and-bound-for-boston-sues-over-ban/v0rRMIatsOfTTzY0sr8EvL/story.html.

[38] *See* Justin Lear, *A Syrian Teen Was Headed to MIT and Then Came the Ban*, CNN (Jan. 29, 2017), http://www.cnn.com/2017/01/29/us/mit-syria-student-ban-trnd/.

[39] *Id.*

to celebrate a family member's marriage or to mourn a loved one's death at a funeral.

For example, a Ph.D. student at Boston University was scheduled to travel home to conduct interviews and research critical to his dissertation. He cancelled his trip due to the EO and the uncertainty of being able to return to the U.S.

In addition, two Iranian graduate students studying global health at an AAU member institution feared that they would not complete field research and training because of the EO's travel ban. And one Harvard graduate student published an eloquent editorial describing his fears about leaving the country and his sorrow about the effects that the EO would have on "thousands who, unlike me, might never get to experience America at its best."[40]

At Hood College, 16% of international graduate students with F-1 visas contacted the graduate school within 48 hours of the announcement of the travel ban, expressing concern, fear, and panic. And Grinnell College lost a committed student who withdrew to enroll at a school in Canada and a current student who transferred to a school in Canada, citing concerns about safety and the national climate for international students.

When the EO went into effect, it also impeded plans for academic conferences and other collaborations. For example, the Columbia Law School Human Rights Clinic, in an effort to research the mental health effects associated with the violent conflict in

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[40] Ziad Reslan, *Harvard Student: 'I Worry If I Leave, I Won't Be Let Back In'*, N.Y. Times (Feb. 2, 2017), https://kristof.blogs.nytimes.com/2017/02/02/harvard-student-i-worry-if-i-leave-i-wont-be-let-back-in/?_r=2.

Yemen, had been organizing an interdisciplinary workshop to be held in New York to bring together leading researchers from Yemen, the United States, and other countries to design a new study to investigate and improve mental health in Yemen. Because of the EO, the workshop was initially cancelled, and was then delayed by a number of months—as the researchers explored hosting it in another country and waited for the outcome of litigation on the ban—disrupting the progress of the research and imposing significant administrative, cost, and logistical burdens. The disruption also resulted in some participants being unable to attend the workshop. [41]

Amici were relieved by this Court's order preventing the government from enforcing the EO against students, workers, and lecturers who have a bona fide relationship with the United States by virtue of having accepted offers of admission or employment at American universities. *See Trump v. Int'l Refugee Assistance Project*, 137 S. Ct. 2080, 2088

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[41] Collin Binkley, *Travel Ban Throws Research, Academic Exchange into Turmoil*, Associated Press (Jan. 31, 2017), https://apnews.com/43b52752391f45c8a416ec6f8928a02c; Dana Llebelson, *Trump's New Travel Ban Could Hinder Research On HIV And Mental Health*, Huffington Post (Mar. 7, 2017), http://www.huffingtonpost.com/entry/trump-travel-ban-science-research_us_58bf2623e4b0d1078ca1debe; *The Muslim Ban: What You Need To Know: Senate Briefing* (Feb. 14, 2017) (written statement of Columbia Law Student Kate Berry), https://www.scribd.com/document/339524897/Kate-Berry-Senate-Briefing-on-Immigration-Order; *The Muslim Ban: What You Need To Know: Senate Briefing* (Feb. 14, 2017) (testimony of Waleed Alhariri), https://www.scribd.com/document/339525433/Waleed-Alhariri-Immigration-Order.

(2017) ("The students from the designated countries who have been admitted to the University of Hawaii have such a relationship with an American entity. So too would a worker who accepted an offer of employment from an American company or a lecturer invited to address an American audience."). But if that relief is lifted, the above examples demonstrate the severe effects the EO would have on American universities and on the international students, scholars, and faculty they welcome each semester.

And even that targeted relief is insufficient. *Contra* Brief for Petitioners at 81, *Trump v. Int'l Refugee Assistance Project*, Nos. 16-1436, 16-1540, 2017 WL 3475820 (Aug. 10, 2017) ("Any injuries to Hawaii's university system, for example, could be fully redressed by an injunction tailored to particular, identified students or faculty whom Hawaii has enrolled or hired."). This Court has rightly recognized that "[i]mmigration policy can affect trade, investment, tourism, and diplomatic relations for the entire Nation, as well as the perceptions and expectations of aliens in this country who seek the full protection of its laws . . . . Perceived mistreatment of aliens in the United States may lead to harmful reciprocal treatment of American citizens abroad." *Arizona*, 567 U.S. at 395. Our colleges and universities flourish when the international students and faculty who study and teach within their gates perceive that this country welcomes them and that they are fully protected by its laws. The inhospitable policy that infects the EO will have deleterious consequences for higher education far beyond the direct impact it might have on those from the six named countries who would be barred from studying at and teaching on our campuses.

B. The EO Will Have Continuing Adverse Effects on American Colleges and Universities and, by Extension, Our National Interests.

The EO promises to have detrimental effects on critical academic exchange by inhibiting the free cross-border exchange of ideas; dividing students and scholars from their families; and impairing the ability of American educational institutions to draw the finest international talent and reap the attendant benefits that are critical to the success of American educational institutions and broader national interests.

The EO has already affected the ability of many American colleges and universities to attract and educate the best and brightest foreign students. Recognizing that the full impact of the EO on higher education matriculation in the US will not be understood for some time, there is little doubt that the EO has already deterred students from attending American colleges and universities. A survey of 250 colleges and universities taken shortly after the EO was announced found that 39% of responding institutions reported a decline in international applications, with the highest declines in applications from the Middle East.[42] Another article reported that

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[42] Advancing Global Higher Education, *Trending Topics Survey: International Applicants for Fall 2017—Institutional and Applicant Perceptions* 1-2 (Mar. 13, 2017), http://www.aacrao.org/docs/default-source/TrendTopic/Immigration/intl-survey-results-released.pdf?sfvrsn=0; *see also* Stephanie Saul, *Amid 'Trump Effect' Fear, 40% of Colleges See Dip in Foreign Applicants*, N.Y. Times (Mar. 16, 2017), https://www.nytimes.com/2017/03/16/us/international-students-us-colleges-trump.html. To be

sure, another report has identified more of a "mixed picture, with 38 percent of surveyed institutions indicating a decrease in international student applications, 36 percent seeing an increase, and 26 percent seeing no changed compared to the prior year." Inst. of Int'l Educ., *Shifting Tides: Understanding International Student Yield for Fall 2017* 1 (July 2017), https://www.iie.org/Research-and-Insights/Publications/Shifting-Tides-Understanding-International-Student-Yield-for-Fall-2017 (last visited Sept. 13, 2017) (hereafter *Shifting Tides*). But even despite the survey's mixed results, the report noted that "broad concerns" remain among educational institutions and prospective students about whether the EO will deter international students from enrolling in American colleges and universities. *Id.* at 2. Over time, these adverse perceptions of American institutions of higher education will surely lead to decreased enrollment if the EO is allowed to go into effect. Finally, certain factors make it "difficult to draw a definitive conclusion" about the long-term impact on enrollment if the EO is allowed to go into effect. *Id.* at 9. For example, enrollment may not have been significantly affected this year because the relevant provisions of the EO have been subject to a nationwide injunction since February. *See Washington v. Trump*, No. C17-0141JLR, 2017 WL 462040, at *2 (W.D. Wash. Feb. 3, 2017).

In addition, this report highlighted compelling reasons why the picture may be mixed—namely, the substantial work that American colleges and universities have done to mitigate the effects of the EO over the past several months. "In preparation for possible declines, many institutions have adjusted their recruitment and admission strategies in an effort to minimize the impact of possible declines in international . . . applications." *Shifting Tides*, at 9. And "[c]onsiderable efforts have been made by colleges and universities to maximize their international enrollments." *Id.* These include aggressive recruiting and added support mechanisms once international students arrive on campus, such as "airport pickups, meet-and-greets, seminars regarding visa policy changes, and partner students with peers and mentors to make them feel welcome." *Id.* These efforts, however, impose significant and unnecessary costs on colleges and universities, even if they may have temporarily offset the immediate damage imposed by the EO. American colleges and

university administrators quickly saw a precipitous and unprecedented drop in the number of applications to graduate programs in engineering.[43] That article explained that "[u]niversity administrators worry that the declines, as much as 30% from 2016 levels in some programs, reflect heightened fears among foreign-born students that the United States is tightening its borders."[44] According to data provided by universities to the Associated Press, moreover, nearly half of the nation's largest 25 public universities have seen stagnation or decline in undergraduate applications.[45] And master's programs in particular have seen an even greater plunge.[46] Most recently, interviews with

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universities simply do not have the resources to keep up this sustained effort at attracting foreign talent. Moreover, these efforts are more likely to be effective with individuals who had already made the decision to come to the U.S. Over the long term, American colleges and universities will lose the opportunity to recruit students and scholars who decide against attempting to come to the U.S., a loss that will not be easily measured.

[43] Jeffrey Mervis, *Drop in Foreign Applicants Worries U.S. Engineering Schools*, Science (Feb. 14, 2017), http://www.sciencemag.org/news/2017/02/drop-foreign-applicants-worries-us-engineering-schools.

[44] *Id.*

[45] *Trump impact: As international student numbers fall, US universities send out welcome messages*, Associated Press (May 4, 2017), http://www.hindustantimes.com/education/trump-impact-as-international-student-numbers-fall-us-universities-send-out-welcome-messages/story-HV1V6plE1JN1wcoW4xZXLI.html.

[46] Karin Fischer, *Assessing the Travel Ban: What New Data on Overseas Recruitment Does—and Doesn't—Tell Us*, The Chronicle of Higher Education (July 6, 2017), http://www.chronicle.com/article/Assessing-the-Travel-Ban-

officials at two dozen universities revealed as much as a 30 to 50 percent drop in international enrollments for new students.[47]

Moreover, universities across the country will lose highly competitive candidates from the affected countries to institutions outside of the United States if the EO remains in effect. Britain, Canada, France, and Germany have all launched funding programs to recruit foreign researches away from U.S. universities.[48] Canadian universities have seen increases in international applications.[49] Universities have modified their admissions and recruitment strategies to try to address potential

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[47] Elizabeth Redden, *International Enrollments: From Flat to Way Down*, Inside Higher Ed (Sept. 5, 2017), https://www.insidehighered.com/news/2017/09/05/some-universities-are-reporting-declines-international-enrollments-ranging-modest?utm_source=Inside+Higher+Ed&utm_campaign=6ba820df5e-DNU20170905&utm_medium=email&utm_term=0_1fcbc04421-6ba820df5e-197444557&mc_cid=6ba820df5e&mc_eid=fb069a4893.

[48] Elizabeth Redden, *Ready to Go Expat?*, Inside Higher Ed (July 26, 2017), https://www.insidehighered.com/news/2017/07/26/several-countries-launch-campaigns-recruit-research-talent-us-and-elsewhere?utm_source=Inside+Higher+Ed&utm_campaign=7c2537cc65-DNU20170726&utm_medium=email&utm_term=0_1fcbc04421-7c2537cc65-197444557&mc_cid=7c2537cc65&mc_eid=fb069a4893

[49] Ann Saphir, *Trump's travel bans spook some students, fan fears of broader chill*, Reuters (May 16, 2017), http://www.reuters.com/article/us-usa-immigration-students-idUSKCN18C0BK.

declines,[50] but continued uncertainty will only make that task more difficult.

In addition, shortly after the EO was enacted, more than 3,000 international scholars signed a petition to "boycott international academic conferences held in the United States in solidarity with those affected by" the EO.[51] This proposed boycott was not a hollow threat. Nor is it a mere political statement. The EO creates a broad fear of unreliable immigration policy that discourages scholars from choosing to come to his country rather than another. For example, the International Studies Association, one of the oldest interdisciplinary associations dedicated to understanding international, transnational, and global affairs, hosted its annual conference in late February in Baltimore. However, many foreign participants pulled out of this conference as part of the international boycott, and the Association was forced to announce that it "will refund registration fees and waive any penalties for those who are unable to attend the annual meeting or choose not to attend as a result of the U.S. Executive Order on Immigration."[52] Many American universities have opposed the boycott as counterproductive, and its harmful impact is incontrovertible.

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[50] Fischer, *supra* note 45.

[51] Elizabeth Redden, *Boycotting the U.S.*, Inside Higher Ed (Jan. 31, 2017), https://www.insidehighered.com/news/2017/01/31/protest-trump-entry-ban-some-scholars-are-boycotting-us-based-conferences.

[52] Int'l Studies Ass'n, *Update on Remote Participation and Travel Concerns for Baltimore* (Feb. 6, 2017), http://www.isanet.org/News/ID/5416/Update-on-Remote-Participation-and-Travel-Concerns-for-Baltimore; *see* Redden, *supra* note 50.

The message of exclusion that the EO conveys also deters foreign academics who wish to come to the United States to foster collaborative study. More than 43,000 American scholars—including 62 Nobel Laureates; 146 recipients of prestigious awards like the Fields Medal, Pulitzer Prize, and MacArthur Fellowship; and 521 Members of the National Academies of Sciences, Engineering, and Arts—explained in an online petition that the "EO limits collaborations with researchers from these nations by restricting entry of these researchers to the US and can potentially lead to departure of many talented individuals who are current and future researchers and entrepreneurs in the US." [53] The loss of this talent would be incalculable. These accomplished scholars "strongly believe the immediate and long term consequences of this EO do not serve our national interests."[54]

Foreign institutions also cancelled their own conferences in response to the EO. For example, a conference sponsored by the Association for the Study of Persianate Societies was scheduled to take place in Shiraz, Iran, in March, but it could not proceed due to the travel difficulties posed by the EO and the related uncertainty around who (if anyone) would be able to attend.[55] Many American professors who had

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[53] Academics Against Immigration Executive Order, https://notoimmigrationban.com/ (last visited Sept. 13, 2017) (hereafter Academics Against Immigration Executive Order).

[54] *Id.*

[55] Letter from Ghazzal Dabiri, 2017 Conference Chair, Ass'n for the Study of Persianate Societies to Friends and Colleagues, http://www.persianatesocieties.org/index.php/conventions/asps-biennial-convention-shiraz-2017 ("As many of you are aware, in a measure-for-measure response to President Trump's executive order of Friday, January 27, 2017, the Government of Iran

planned to participate in the conference to consult with academic colleagues in that unique field of study were unable to do so.

It is difficult to overstate the importance of conferences, colloquia, and symposia to scholarly communication. They enable intellectual give-and-take and real-time digestion and discussion of research. Conferences also allow for in-person encounters and discussions that give rise to important future collaborations. This kind of face-to-face collaboration is particularly important to scientific research. As the CEO of the American Association for the Advancement of Science (and former Assistant Director of the Princeton Plasma Physics Laboratory at Princeton University, head of the Nuclear and Scientific Division of the Office of Strategic Forces at the U.S. Department of State, and Swarthmore College professor) has stated: "Freedom of communication is absolutely essential for science to function. . . . It's not just nice for people to attend conferences and communicate in person, it's part of the practice of science. And being able to have scientists from diverse backgrounds and viewpoints, that's essential to the practice of good science."[56] The prospect of barred entry, and of retaliation and boycotts, means lost opportunities for the expansion

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announced on Saturday, January 28, that it would no longer issue any visas to American citizens for an initial period of 90 days and beyond it as long as the US ban remains in effect. . . . As the American scholars constitute the bulk of non-Iranian attendees at the Convention, we are forced to cancel it at this late stage.").

[56] Chelsea Whyte, *Trump's Travel Ban Is Already Stopping Scientific Collaboration*, New Scientist (Jan. 31, 2017), https://www.newscientist.com/article/2119910-trumps-travel-ban-is-already-stopping-scientific-collaboration/.

of knowledge and scientific discovery. And American universities risk being removed from the epicenter where cutting-edge ideas are discussed. The EO puts all of these benefits in jeopardy.

The EO also would impair the ability of American colleges and universities to recruit foreign students, faculty, and scholars by separating them from their families abroad. *See Int'l Assistance Refugee Project v. Trump*, 857 F.3d 554, 585 (4th Cir. 2017) (acknowledging "the impact on families" as one of the direct harms of the EO); *Washington v. Trump*, 847 F.3d 1151, 1169 (9th Cir. 2017) (describing "separated families" as "substantial injuries and even irreparable harms"). The aforementioned petitioning scholars offer this as a powerful reason for why foreign academics may be unwilling to teach at an American university in the future:

> The implementation of this EO will necessarily tear families apart by restricting entry for family members who live outside of the US and limiting the ability to travel for those who reside and work in the US.[57]

Given those working conditions, many scholars will choose not to teach in this country. One university's current recruit to fill a full-time faculty position has disclosed that he is married to a national from one of the six countries covered in the EO; that recruit has expressed concerns about accepting a position in light of the EO. Similarly, a professor at another university previously taught at universities around the world and has maintained close ties with her foreign academic colleagues, who are important to

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[57] *See* Academics Against Immigration Executive Order, *supra* note 52.

her creativity and work. The EO struck a sudden, significant blow to these connections, spurring concerns about traveling abroad to visit and care for her mother, who is terminally ill. Other professors have faced similar obstacles since the EO was issued.

Finally, the unwelcoming message sent by the EO likely will deter students, scholars, and faculty from countries *not* currently covered by the EO from travelling to and from the United States for academic purposes. To take just one example, the University of Rochester's Division of Solid Organ Transplantation recently hired a Saudi Arabian hepatologist who is now concerned about his future here. What is more, the Division's Chief of Solid Organ Transplantation, a Mexican national, is a world-renowned liver-transplant surgeon. He has recruited an international team to join him (including the doctor from Saudi Arabia). In the six months that he has been at the University of Rochester, the surgeon has doubled the number of liver transplants performed at the university's medical center. The EO puts that work—and this surgeon's ability to attract the talented foreign doctors who assist him in it—in severe jeopardy, even though he and his colleagues do not hail from the six countries listed in the EO. In fact, he had standing invitations to give talks at conferences in Canada, Argentina, Germany, and the Czech Republic, but he put them on hold out of fear that the ban will be expanded or that he will face increased scrutiny returning to the country.

These fears are understandable. Although there are reportedly no plans in place to add to the list of restricted countries, the EO provides for this possibility. EO § 2(e) ("The Secretary of State, the Attorney General, or the Secretary of Homeland

Security may also submit to the President the names of additional countries for which any of them recommends other lawful restrictions or limitations deemed necessary for the security or welfare of the United States."). Given this uncertainty, individuals from a wide range of nations may fear—quite reasonably—that their countries might be the next additions to the list. Foreign scholars and students may not be willing to risk being stranded here or abroad, even if they must instead change plans and go elsewhere to gain an education, engage young minds, conduct research, or perform vital medical services at teaching hospitals. *Amici* thus support any legal measure that will mitigate that risk, provide much-needed clarity in these uncertain times, and restore confidence to those who travel to and from American universities every day.

CONCLUSION

American colleges and universities "have a mission of 'global engagement' and rely on . . . visiting students, scholars, and faculty to advance their educational goals." *Washington v. Trump*, 847 F.3d at 1160. That vital mission cannot be achieved if American immigration policy no longer sends a welcoming message to the members of the international community who wish to enter our campus gates. As explained above, the EO jeopardizes the many contributions that foreign students, scholars, and researchers make to American colleges and universities, as well as our nation's economy and general well-being. In light of those risks and for the foregoing reasons, *amici* respectfully submit that the lower court decisions should be affirmed.

September 18, 2017 Respectfully submitted,

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APPENDIX

ADDENDUM: *AMICI* ON THIS BRIEF

- **American Council on Education (ACE)**. See description at page 1 of brief.
- The **Association of American Universities (AAU)** is a non-profit organization, founded in 1900 to advance the international standing of United States research universities. AAU's mission is to shape policy for higher education, science, and innovation; promote best practices in undergraduate and graduate education; and strengthen the contributions of research universities to society. Its members include 62 public and private research universities.
- The **Accreditation Council for Pharmacy Education (ACPE)** is the national agency for the accreditation of professional degree programs in pharmacy and providers of continuing pharmacy education. ACPE also offers evaluation and certification of professional degree programs internationally and with ASHP accredits pharmacy technician education and training programs.
- **ACT** is a mission-driven, nonprofit organization dedicated to helping people achieve education and workplace success. Headquartered in Iowa City, Iowa, ACT is trusted as a national leader in college and career readiness, providing high-quality assessments grounded in nearly 60 years of research. ACT offers a uniquely integrated set of solutions designed to provide personalized insights that help individuals succeed from elementary school through career.
- The **American Association of Collegiate Registrars and Admissions Officers**

(AACRAO), founded in 1910, is a non-profit, voluntary, professional association of more than 11,000 higher education professionals who represent approximately 2,600 institutions in more than 40 countries. Its mission is to provide professional development, guidelines, and voluntary standards to be used by higher education officials regarding the best practices in records management, admissions, enrollment management, administrative information technology, and student services. AACRAO represents institutions in every part of the higher education community, from large public institutions to small, private liberal arts colleges.

- The **American Association of Community Colleges (AACC)** is the primary advocacy organization for the nation's community colleges. It represents more than 1,100 two-year, associate degree-granting institutions.

- The **American Association of State Colleges and Universities (AASCU)** includes as members more than 400 public colleges, universities, and systems whose members share a learning- and teaching-centered culture, a historic commitment to underserved student populations, and a dedication to research and creativity that advances their regions' economic progress and cultural development.

- The **American Association of University Professors (AAUP)** is a non-profit organization of over 40,000 faculty, librarians, graduate students, and academic professionals. Its purpose is to advance academic freedom, the free exchange of ideas in higher education, and shared university governance; to define fundamental

professional values and standards for higher education; and to ensure higher education's contribution to the common good.

- The **American College Personnel Association (ACPA)** is chartered as a membership organization within the higher education sector, specializing in the advancement of Tier 1 research and scholarship in the field of student affairs and providing professional and career development for college and university professionals in student affairs, services and support.
- The **American Indian Higher Education Consortium (AIHEC)** is the unifying voice of our nation's 37 Tribal Colleges and Universities—federally recognized public institutions working to strengthen tribal nations and make a lasting difference in the lives of American Indians and Alaska Natives. Through public policy, advocacy, research, and program initiatives, AIHEC strives to ensure strong tribal sovereignty through excellence in American Indian higher education.
- The **American Speech-Language-Hearing Association (ASHA)** is the national professional, scientific, and credentialing association for 191,500 members and affiliates who are audiologists; speech-language pathologists; speech, language, and hearing scientists; audiology and speech-language pathology support personnel; and students.
- The **Association of American Colleges and Universities (AAC&U)** has approximately 1,400 member institutions, including accredited public and private colleges, community colleges, and universities of every type and size. Its mission is

to reinforce commitment to liberal education and inclusive excellence in service to democracy.

- The **Association of American Law Schools (AALS)**, founded in 1900, is a nonprofit association of 179 law schools. Its members enroll most of the nation's law students and produce the majority of the country's lawyers and judges, as well as many of its lawmakers. The mission of AALS is to uphold and advance excellence in legal education. In support of this mission, AALS promotes the core values of excellence in teaching and scholarship, academic freedom, and diversity, including diversity of backgrounds and viewpoints, while seeking to improve the legal profession, to foster justice, and to serve our many communities–local, national and international.

- The **Association of Catholic Colleges and Universities (ACCU)** serves as the collective voice of U.S. Catholic higher education. Through programs and services, ACCU strengthens and promotes the Catholic identity and mission of its member institutions so that all associated with Catholic higher education can contribute to the greater good of the world and the Church.

- The **Association of Governing Boards of Universities and Colleges (AGB)** is the only national association that serves the interests and needs of academic governing boards, boards of institutionally related foundations, and campus CEOs and other senior-level campus administrators on issues related to higher education governance and leadership.

- The **Association of Jesuit Colleges and Universities (AJCU)** represents all 28 Jesuit

institutions in the U.S. and is affiliated with over 100 Jesuit institutions worldwide.

- The **Association of Public and Land-grant Universities (APLU)** is a research, policy, and advocacy organization dedicated to strengthening and advancing the work of public universities. With a membership of 236 public research universities, land-grant institutions, state university systems, and affiliated organizations, APLU's agenda is built on the three pillars of increasing degree completion and academic success, advancing scientific research, and expanding engagement. Annually, its 194 U.S. member campuses enroll 4 million undergraduates and 1.2 million graduate students, award 1.1 million degrees, employ 1 million faculty and staff, and conduct $40.7 billion in university-based research.

- The **Association of Research Libraries (ARL)** is a nonprofit organization of 123 research libraries at comprehensive, research institutions in the U.S. and Canada that share similar research missions, aspirations, and achievements.

- The **College and University Professional Association for Human Resources (CUPA-HR)**, the voice of human resources in higher education, represents more than 23,000 human-resources professionals at over 2,000 colleges and universities. Its membership includes 93 percent of all United States doctoral institutions, 78 percent of all master's institutions, 53 percent of all bachelor's institutions, and nearly 600 two year and specialized institutions.

- The **Council for Advancement and Support of Education** is a professional association serving educational institutions and the advancement professionals who work on their behalf in alumni relations, communications, development, marketing, and allied areas. CASE helps its members build stronger relationships with their alumni and donors, raise funds for campus projects, produce recruitment materials, market their institutions to prospective students, diversify the profession, and foster public support of education.

- The **Council of Graduate Schools (CGS)** is an organization of approximately 500 institutions of higher education in the United States, Canada, and across the globe engaged in graduate education, research, scholarship, and the preparation of candidates for master's and doctoral degrees.

- The **Council of Independent Colleges (CIC)** represents 684 private, nonprofit liberal arts colleges and universities and 83 state councils and other higher education organizations.

- The nonprofit **Educational Testing Service (ETS)** is passionate about its mission to advance quality and equity in education for all people worldwide because we believe in the power of learning. ETS strives to provide innovative and meaningful measurement solutions that improve teaching and learning, expand educational opportunities, and inform policy. ETS develops, administers and scores more than 50 million tests annually—including the TOEFL® and TOEIC ® tests, the GRE ® tests and The Praxis Series ®

assessments—in more than 180 countries, at over 10,000 locations worldwide.

- **EDUCAUSE** is a nonprofit association and the foremost community of information technology leaders and professionals committed to advancing higher education. Through analysis, advocacy, and professional development, EDUCAUSE supports IT professionals and the contributions technology makes to institutional and community-wide strategic initiatives. EDUCAUSE membership includes 2,300 colleges, universities, and related organizations.

- The **Graduate Management Admission Council (GMAC)** is a global, non-profit association of 220 leading graduate business schools. Founded in 1953, we are actively committed to advancing the art and science of admissions by convening and representing the industry and offering best-in-class products and services for schools and students. GMAC owns and administers the Graduate Management Admission Test® (GMAT®) exam, used by more than 6,500 graduate programs worldwide.

- The **Law School Admission Council (LSAC)** is a nonprofit corporation devoted to facilitating and enhancing the admissions process for more than 200 law schools in the United States, Canada, and Australia. Founded in 1947, LSAC is best known for administering the Law School Admission Test ("LSAT"), but it also sponsors and publishes research about law school admissions. LSAC has a strong interest in ensuring that standardized test scores are given the proper weight in the admissions process, and a longstanding

commitment to ensuring equal access to legal education for members of minority groups.

- **NAFSA: Association of International Educators** is the world's largest nonprofit association dedicated to international education and exchange with 10,000 members located at more than 3,500 institutions worldwide, in over 150 countries. Members of NAFSA share a belief that international education advances peace, learning and scholarship, builds respect among different peoples, and encourages constructive leadership in a global community.

- The **National Association for College Admission Counseling (NACAC)**, founded in 1937, is an organization of nearly 16,000 professionals from around the world dedicated to serving students as they make choices about pursuing postsecondary education. NACAC is committed to maintaining high standards that foster ethical and social responsibility among those involved in the transition process, as outlined in the NACAC Statement of Principles of Good Practice (SPGP).

- The **National Association of Diversity Officers in Higher Education (NADOHE)** is the leading voice of chief diversity officers in higher education. Its membership includes more than 600 individuals representing more than 250 colleges and universities, affiliated professional organizations, and ten state/regional NADOHE chapters.

- The **National Association of Independent Colleges and Universities (NAICU)** serves as the unified national voice of private, non-profit

higher education in the United States. It has more than 1,000 members nationwide.